UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

DOUGLAS E. HUFFNER

Plaintiff

Civil Action No. 3:17-cv-278 (TJM/DEP)

v.

CAYUGA MEDICAL CENTER AT ITHACA, INC.

Defendant

COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiff, by and through his attorney, Selbach Law Offices, P.C., complaining of the Defendant, respectfully alleges as follows:

I. INTRODUCTION

1. This is an action for actual and statutory damages brought by an individual for violations of the Telephone Consumer Protection Act of 1991, 47 U.S.C. § 227, *et seq*. and its related regulations, including 47 C.F.R. §64.1200.

II. JURISDICTION AND VENUE

2. Jurisdiction of this Court arises under 28 U.S.C. §1331. Venue arises from the county of residence of one or both of the parties.

III. PARTIES

3. Plaintiff is a natural person who, at all times herein mentioned, was a resident of the county of Chemung.

4. Defendant is a corporation organized and existing under the laws of the State of New York with corporate offices located at 101 Dates Drive, Ithaca, NY 14850, county of Tompkins.

III. FACTUAL ALLEGATIONS

5. At all times herein mentioned, the Defendant, without prior express consent, made more than one call within a twelve month period to the Plaintiff utilizing an automatic telephone dialing system ("ATDS") and/or an artificial or prerecorded voice ("APV") to a telephone number assigned to a cellular telephone service for which the Plaintiff was charged. ("cell phone number").
6. The Defendant, without the prior express consent of the Plaintiff, utilizing an ATDS and/or an APV, placed calls to a cell phone number assigned to the Plaintiff, (number ending in 9551).
7. After the Plaintiff notified the Defendant that it was calling the wrong party and requested that the automated calls cease, the Defendant continued to make the calls.

IV. AS AND FOR A FIRST CAUSE OF ACTION

8. The foregoing allegations are repeated, realleged and incorporated by reference herein.
9. Defendant, by reason of the aforesaid conduct, violated the Telephone Consumer Protection Act of 1991, 47 U.S.C. § 227, *et seq*. and its related regulations, including 47 C.F.R. §64.1200.
10. By reason of the same, the Plaintiff suffered actual damages.
11. Upon information and belief, the conduct of the Defendant was willful.

RELIEF DEMANDED

WHEREFORE, Plaintiff respectfully request that judgment be entered against the Defendant for:

(a) actual damages;

(b) statutory damages in the sum of $500.00 per violation;

(c) statutory damages in the sum of $1,500.00 per willful violation;

(d) costs and reasonable attorneys' fees;

(e) for such other and further relief as may be just and proper.

A JURY TRIAL IS DEMANDED

DATED: Syracuse, New York
March 9, 2017

SELBACH LAW OFFICES, P.C.

By: /s/James F. Selbach, Esq.

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